

New ideas for better public service emerging at conferences, hearings

By Chief Justice Elizabeth A. Weaver

Over the past several months I have attended many meetings, large and small, with many people in our branch of government. I am struck by the activity and energy that judges, court administrators and court staff put into the issues we face daily, and the results of their effort. The judiciary is brimming with ideas and insights on how to serve the public better, and the enthusiasm for doing so is high.

The next annual judicial conference will be held at the Grand Traverse Resort October 4-6, 2000.

Part of this impression stems from the hearty response to this summer's judicial conferences. The Michigan Judicial Institute (MJi) and the judges associations planned long and hard to present a dynamic lineup of practical sessions and hands-on training opportunities, particularly in the use of computers. Judging from the evaluations, participants found the programs rich and rewarding. Some even claim to be eagerly awaiting next year's conference, when all of our judges will come together in one place for the first time. That place will be the Grand

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The Michigan
Supreme Court's
goals for the
judiciary:

Fairness
Accessibility
Accountability
Effectiveness
Responsiveness
Independence

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Traverse Resort in early October, a beautiful time to see the north country. The Supreme Court, the SCAO and the MJI are already generating ideas for the event. We welcome yours to ensure a conference that is useful and enlightening for all who attend.

At a series of public legislative hearings last spring, and in conversations with numerous judges, it has been difficult to miss the momentum for improved public service in our trial courts. A number of courts, in addition to those in the demonstration project program, are testing new approaches to service delivery to improve efficiency and responsiveness while preserving the fair and impartial adjudication of cases. Their initiatives are laudable, especially in light of the demonstration project evaluation released earlier this year by the National Center for State Courts. The report encouraged further consolidation in Michigan's trial courts while noting that no one approach to better public service would be right for all jurisdictions. The activity underway across the state tells me that improving court service is something that can be done locally and done well. This is a healthy development that needs concrete support.

Another sign of momentum can easily be detected in the series of public administrative hearings the Supreme Court is holding to receive comment on court rule and judicial ethics matters. The hearings, held pursuant to Administrative Order 1997-11, have brought forth many insights on such issues as mandatory legal education, judicial campaign ethics, and mediation. Venturing outside Lansing for these hearings has given the Court the opportunity to hear from a number of lawyers and judges who might not otherwise be able to participate. The Court has traveled to Grand Rapids, Berrien County, and Otsego County. We have been warmly received in each location. We wish to note that the hearings are not restricted to members of the legal profession. The public is welcome to comment on any administrative matter of interest.

Two additional projects are providing fresh ideas for the improvement of public service. Those are the assessment of family court, now under way, and the just completed round of 10 chief judge meetings. Over the past few months, I have listened carefully to the concerns of chief judges relative to the role they play in our trial court system. These meetings have spawned a wealth of ideas and recommendations, which will be shared with judges across the state.

Our annual report of judicial branch activities for 1998-99 is now available. It includes, for the first time, a review of administrative initiatives to improve the delivery of justice as well as a summary of caseload activity. These initiatives have resulted from conversations and meetings such as the ones I have described above, and also those held with the other branches of government, state and local, and our citizens. I encourage you to participate in these dialogues in whatever forums become available. They are the first step toward progress.

Michigan Supreme Court REPORT

The *Michigan Supreme Court Report* is published by the Michigan Supreme Court.

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Repeat offender training steps into high gear with distance learning

*By Vickie Eggers, Distance Learning Specialist
Michigan Judicial Institute*

With the repeat offender legislation package now in effect, the Michigan Judicial Institute (MJI), with a grant from the Office of Highway Safety Planning, is distributing an array of multimedia materials to courts throughout the state. Developed in conjunction with the Michigan Secretary of State, the Michigan State Police, and the Prosecuting Attorneys Coordinating Council, these materials will assist all current district court staff affected by the repeat offender legislation, as well as Secretary of State staff, law enforcement officials, and prosecutors.

The repeat offender training includes a CD-i and CD-ROM, titled *Repeat Offender Readiness*, which includes 22 minutes of video clips, 250 simple text screens such as the Drunk Driving Sanctions Matrix for repeat offenders, and opportunities for viewers to test their knowledge through a question and answer format.

The process of stop and arrest, prosecutor review, and procedures at the Secretary of State Office is reviewed in-depth. Both the CD-i and CD-ROM come with a printed guide that provides copies of various repeat offender forms, an overview of the legislation, a glossary of terms and answers to the most frequently asked questions related to the legislation package.

CD-i repeat offender training will be offered through the 44 regional training centers across the state. Interested court staff should contact the nearest training center to schedule a viewing time. District courts will be provided with their choice of a CD-i or CD-ROM version in order to ensure that judges receive appropriate information regarding repeat offender legislation for themselves and their staff. This will provide courts with the necessary information to swiftly and competently adjudicate OUIL offenders.

A 20-minute video specifically related to the stop and arrest process was also produced and will give viewers a better understanding of the LEIN inquiry, metal plate confiscation, and the 3-part paper plate information and copy distribution process (original on vehicle, "prosecutor/court" copy to prosecutor, and third copy to LEIN operator). Copies of this video have been provided to 650 police posts across the state along with a job aid to assist officers in the enforcement procedures for repeat offender violations.

For more information on this training, contact Lori Sheets (PH: 517/334-8612; e-mail: sheetsl@jud.state.mi.us) or Vickie Eggers (PH: 517/334-8611; e-mail: eggerv@jud.state.mi.us).

"... these materials will assist all current district court staff impacted by the repeat offender legislation, as well as Secretary of State staff, law enforcement officials and prosecutors."

Administrative E-Mailings

08/06 — SCAO ADM 1999-06, drunk driving caseload assist.
08/10 — SCAO ADM 1999-07, district court magistrate jurisdiction
08/19 — Court of Appeals summary panels, visiting judge request
08/19 — SCAO ADM 1999-08 records retention/disposal #16
08/24 — IRS Form 8300 info
08/26 — SCAO ADM 1999-09, license suspension for violation of support
08/26 — Request for chief judge recommendations
08/30 — *Court Funding Sources*
08/31 — SCAO ADM 1999-10 protective conditions of probation
09/02 — repeat offender legislation
09/07 — Family div. assessment, court survey
09/13 — Investiture ceremony: Hon. Patrick M. Meter
09/17 — MI Ass'n of Drug Court Professionals Conf. 11/4-5/99
09/17 — Drug court training, program atty Verdene Johnson
09/17 — September 1999, Administrative Mailings packet
09/20 — Proposed amendment of Rule 9.130
09/20 — Drug Court Judicial Training, Reno, NV
09/21 — Local court rule guidelines
09/21 — Noncustodial parent Work First program
09/23 — Family div. assess. survey
09/23 — Judicial Conference, 2000
09/27 — Review by Auditor Gen'l.
10/01 — District court prob. officers new employee orientation seminar
10/01 — Child support deviation survey
10/04 — Family div. court surveys
10/04 — *Pundit*
10/05 — SCAO ADM 1999-11, statewide school safety info policy
10/08 — Standardized travel rates
10/11 — 1999 court employee compensation survey
10/14 — ODCP public hearings
10/20 — Y2K Contingency plans
10/20 — FOC funding
10/21 — OUIL/DWLS, fingerprinting, CTNs, and tickets
10/26 — State Bar Family Law section listserv
10/27 — 2000 judicial elections seminar (Nov 16 & Dec 2, 1999)
10/28 — Extradition forms
10/29 — SCAO ADM 1999-12, drunk driving caseload assistance
10/29 — FOC grievance record reports due 1/15/2000
10/29 — Family div. court surveys
11/01 — Notification of death of Hon. Thomas J. Brennan
11/02 — Supreme Court Orders 99-14; 99-23; 99-44; 99-49

Administrative Update

Uniform caseload reporting encouraged for courts

In an effort to have uniform reporting of caseload statistics from all courts, the State Court Administrative Office publishes instructions for the completion of the monthly caseload report. Uniform reporting of dispositions allows the statistics to be used locally and at a regional or statewide level.

District and municipal court judges, magistrates, court administrators and clerks are reminded that if clerks process civil infractions when the defendant does not appear before the magistrate, including mail or counter payments, admissions of responsibility, or waivers of fine and cost for selected offenses, this activity should be reported on Line 110, Violations Bureau Dispositions. Court employees performing both clerical and magisterial duties should report dispositions as a magistrate *only when the activity could not be performed without the specific authority established for magistrates.*

Examples of actions and appropriate reporting:

- Payments by mail not requiring review by a magistrate: report on Line 110.
- Waiver of fines and costs when performed by a clerk, i.e. defective equipment: report on Line 110.
- Letters of admission of responsibility with explanation: report on Line 100.
- Appearances before a magistrate to admit responsibility: report on Line 100.
- Cases scheduled for informal hearing but no hearing held: if appear before magistrate report on Line 100. If pay prior to any appearance before a magistrate, report on Line 110.
- Default judgments: report on Line 130.

To obtain a copy of the caseload reporting standards, last published in October 1996, contact Katha Houston, SCAO. PH: 517/373-7498.

Local trial court web site recognized at CTC6

Washtenaw County Trial Court recently received fourth place in the National Center for State Courts' Top Ten Court Web Site competition. The competition was part of the sixth Court Technology Conference (CTC6) held in Los Angeles in September. The Washtenaw County site may be accessed at www.co.washtenaw.mi.us/depts/courts/index.htm.

The Washtenaw County Trial Court site emphasizes development of public trust and confidence in the judicial system by providing public access to court dockets, juror maps and instructions, small claims assistance, guardianship and estate information, e-filing of judge's copies of attorneys briefs, opinion banks of local trial court decisions and other innovative ideas.

This court site, as well as others in Michigan, are leading the way to innovative paths to improve access to justice for Michigan citizens. Judges Don Shelton and John Kirkendall have been active in the development of this nationally recognized site.

Request for change of address information issued

Courts and court staff are reminded that all change of address information must be sent to the SCAO. This will allow the SCAO to maintain a database that is current, as well as save SCAO resources. To submit new information, contact Brenda Underwood, SCAO. PH: 517/373-9231. e-mail: underwoodb@jud.state.mi.us.

Administrative Update

FOC grievance record reports due in January

The Friend of the Court Act requires that the SCAO's Friend of the Court Bureau annually issue a report to the legislature regarding grievances received by each friend of the court office. The act further requires that each office biannually submit a record of grievances to the Friend of the Court Bureau.

On Nov. 1, a memo was sent to all friends of the court, chief circuit court judges and presiding judges of the family division regarding grievance record reports. All grievance reports for 1999 need to be completed and sent to the Friend of the Court Bureau before Jan. 15, 2000. The report to the legislature will be compiled and issued shortly after the due date, and those offices not reporting will be listed as "failed to report."

Reports should be submitted on the 3/98 version of the grievance record form. Older versions of the form must be destroyed. Questions regarding the report should be directed to William J. Bartels at 517/373-5975.

Statistical information for FOC due in February

Chief circuit judges, court administrators and presiding family judges should take note that the FOC Statistical Report, SCAO Form 41 dated 5/97, was recently mailed to all Friend of the Court offices. The form is to be used for reporting 1999 statistical information and is to be submitted to the Friend of the Court Bureau no later than Feb. 15, 2000. To request an additional copy of the form or instructions, contact Darla Brandon at 517/373-4835. If you have any questions regarding the report itself, contact Lesley Allen at 517/373-9295 or Tim Cole at 517/373-9663.

Guidelines issued for processing criminal offenses

The Michigan Attorney General's Office and the Department of State Police, Criminal Justice Information Center (MSP), request that courts review the following guidelines when processing various criminal offenses, fingerprints, and convictions set aside:

- If an application to set aside conviction is filed, *do not hold the hearing* until the court has received criminal history reports from both MSP and the Federal Bureau of Investigation (FBI). MCL 780.621(1)(5) requires that the court have the reports before acting on an application. Normally FBI reports take between 60-90 days.
- If a conviction is set aside, *do not issue an order* for return of fingerprints/arrest data (SCAO form MC-235). MCL 780.623(2) requires MSP to maintain the records in a nonpublic file.
- When a deferred sentence has been entered under HYTA (MCL 762.14), drug convictions (MCL 333.7411), parental kidnapping (MCL 750.350a) or domestic assault (MCL 769.4a), *do not issue an order* for return of fingerprints/arrest data (MC-235). MSP is required to maintain such records in a nonpublic file in order to limit the number of times a defendant may avail him/herself of the statutory dismissal provision.

Questions concerning the maintenance of records by the Michigan State Police can be addressed to the Criminal Justice Information Center at 517/322-5511 or the Attorney General's Criminal Division at 517/241-6565.

Court's 1998-99 annual report now available

The Michigan Supreme Court annual report, titled *Michigan Courts: Working together for our families, our future*, was recently distributed throughout the state. To request additional copies, contact the State Court Administrative Office administrative services division. PH: 517/373-0130.

Administrative Mailings

08/06 — Find judge to hear case under Sec. 514, 1980 PA 350
08/26 — Chief judge recommendations
10/01 — Child support deviation survey
10/04 — *Pundit*
10/11 — 1999 court employee compensation survey
10/20 — Y2K contingency plan information

Mailings via Fax

8/11 — Seminars Offering by State Street Financial, Inc.
8/27 — Notice re: IRS Form 8300

Defendant has options in posting bonds

Judges and magistrates who are setting “cash only” bonds for pre-trial release are not providing the defendant the option of allowing a surety to post the bond on their behalf. Courts are reminded that while MCR 6.106(E) provides that when a court determines whether a money bail is required, it is the defendant — not the court — who decides whether the bond is to be executed through a surety approved by the court, by the defendant or by another who is not a licensed surety.

Since 1993, the Bond (MC 241) and Order for Pretrial Release/Custody (MC 240) have included a type of bond to include “cash and surety.” Courts should discontinue use of any MC 240 or MC 241 forms dated before 1993.

In reviewing a court’s local bail practices, please note MCL 765.6a; MSA 28.893(1), which provides that a cash or surety bond be required if the defendant is charged with a crime alleged to have occurred while on bail pursuant to a bond personally executed by him or has been twice convicted of a felony within the preceding 5 years.

New practices encouraged in bankruptcy cases

The SCAO has been advised that some judges of the United States Bankruptcy Court have agreed to encourage bankruptcy practitioners to list the state trial court case number on the mailing matrix when it is necessary to notify that court of a bankruptcy filing. In addition, practitioners will also be encouraged to contact the state trial court in writing with specific information regarding the bankruptcy filing and the case pending in the state court. In situations where the state trial court does not receive sufficient information on the notice form to identify any pending case, it is suggested that the court consider communicating directly with debtor’s counsel for further information.

This cooperative effort is the result of efforts by Hon. Robert Brzezinski and Court Administrator Joseph Mysliwiec, 16th District Court, in describing the difficulty state courts have had in identifying parties solely by name or social security number and thereby being unable to process the notice of bankruptcy in a timely manner.

Correct processing of conditional bonds aids LEIN entry

Circuit and district court judges, administrators and clerks are reminded that conditional bonds for the protection of named persons should be amended at the time of the bind-over so that the LEIN entry can be modified to reflect the change in court jurisdiction. The Order for Pretrial Release/Custody, MC-240, was revised in June 1998 to allow for amendment to the order, identifying the case with the prior district court case number and new circuit court case number.

When the case is received by the clerk’s office, form MC-240 should be completed, signed by the judge assigned to the case, and forwarded to the law enforcement agency that entered the original release order. At that time, the expiration date of the order may be amended to reflect the projected adjudication date. A copy of the amended release order should be sent to the law enforcement agency responsible for entry and cancellation of the LEIN entries. Modification of the LEIN entry will ensure that if a violation occurs resulting in an arrest, the defendant is brought before the appropriate judge for arraignment.

Cases with protective conditional bonds entered into LEIN should be flagged in a manner allowing the judge and clerical staff to recognize that the entry must be monitored, and canceled at time of sentencing. The method by which the necessary information is transferred at the time of bind-over should be coordinated between circuit court and district court staff.

Grant writing consultation available from the SCAO

The SCAO provides assistance to courts in identifying potential funding sources for specific issues or consultation on grant-writing and grant proposals. Questions about grants, or to request grant-related assistance, should be directed to Margie Good. PH: 517/373-5596.

Changeover

APPOINTMENTS:

Borchard, Fred L., appointed to C10 from Saginaw Probate Court, effective Nov. 22, to succeed Hon. Patrick Meter.

Brown, Elwood L., appointed to St. Clair County Probate Court, effective Sept. 24, to succeed Hon. Robert R. Spillard, deceased.

Markman, Stephen J., appointed from the Court of Appeals to the Supreme Court, effective Oct. 1, to succeed Hon. James H. Brickley, retired.

Meter, Patrick M., appointed from 10th Circuit Court to the Court of Appeals, effective Sept. 1, succeeding Hon. Barbara MacKenzie, retired.

Owens, Donald S., appointed from Ingham County Probate Court to the Court of Appeals, effective Dec. 1, to succeed Hon. Stephen J. Markman, appointed to the Supreme Court.

Simpson, J. Cedric, appointed to D14A District Court, effective Sept. 29, to succeed Betty Widgeon, retired.

JTC Election

Grant, Barry M., Oakland County Probate Court, elected as probate court representative for a 3-year term, beginning Jan. 1, 2000.

Retirements:

Brickley, James H., Supreme Court Justice retired Sept. 30. Justice Brickley served the Supreme Court since Dec. 27, 1982.

Neale, Joanna, Cheboygan County probate judge, will be retiring Dec. 1. Judge Neale has served the probate court since Jan. 1, 1983.

Sheehy, James P., D52-3 from Oakland County, will be retiring Jan. 7, 2000. Judge Sheehy has served the 52nd District Court since Jan. 1, 1981.

Werner, William A., Alger/Schoolcraft probate judge, will be retiring Feb. 1, 2000. Judge Werner has served the Alger/Schoolcraft probate district since Jan. 1, 1983.

DEATHS:

Brennan, Thomas J., retired Court of Appeals judge, passed away Oct. 31. Judge Brennan served the Court of Appeals from 1989 until his retirement in 1994. Prior to that, he had served as 3rd Circuit Court judge from Jan. 1, 1973 until his election to the Court of Appeals.

Gee, David, retired judge from D53, passed away July 23. Judge Gee served from January, 1975, until his retirement in May, 1992.

Rhoads, Carl L., retired municipal court judge, passed away Sept. 11. Judge Rhoads served the Ecorse Municipal Court from 1968 through 1978.

Grant Update

Kmart Family Foundation: Ongoing funding is available for drug abuse prevention programs. Application deadline is Dec. 31. For information contact Kmart Corporate Affairs, 3100 W. Big Beaver Rd., Troy, MI 48084.

Office of Victims of Crime (OVC): Ongoing training and technical assistance is available to justice agencies and victims' services organizations. A speakers bureau is also available. For information contact the Training and Technical Assistance Center. PH: 800/627-6872. WEB: www.ojp.usdoj.gov/ovc.

Office of Juvenile Justice and Delinquency Prevention (OJJDP): Ongoing training and technical assistance related to violence prevention programs is available. For information contact Betty Chemers. EMAIL: bchemers@ojp.usdoj.gov

Municipal Court Elections

Redmond, Norene S., (P45264) was elected to the Eastpointe Municipal Court to succeed Hon. Benedict Segesta who may not run again due to age limits.

Pierce, Lynne A., was re-elected to Grosse Pointe Woods Municipal Court.

Ethridge, Russell F., was elected to Grosse Pointe Municipal Court. Judge Ethridge had been appointed 8/31/98 to succeed Stan C. Kazul.

Smith, Martin J., was re-elected to Eastpointe Municipal Court.

Grant-Related Web Sites

The following web sites offer grant and technical assistance information:

Office of Juvenile Justice & Delinquency Prevention:
<http://ojjdp.ncjrs.org/>

National Criminal Justice Reference Service:
www.ncjrs.org

Drug Courts Program:
www.ojp.usdoj.gov/dcpo

Nat'l Association of Drug Court Professionals:
www.drugcourt.org

National Center for State Courts:
www.ncsc.dni.us/wash_dc/gov_rel.htm

Center on Crime, Communities & Culture:
www.soros.org/crime/

State Justice Institute:
www.clark.net/pub/sji/

December 1999

3 MJI — Computers & Judges
Lansing Community College,
Lansing

7-9 Michigan Supreme Court
Oral Arguments
G. Mennen Williams Bldg.,
Lansing

7-9 MJI — New District Court
Probation Officer Orientation
Sheraton, Lansing

13-15 MJI — Achieving
Supervisory Excellence
McCamly Plaza Hotel, Battle
Creek

14 EPIC Forms Committee
Michigan Judicial Institute,
Lansing

January 2000

11-12 MJI — Intro to Domestic
Violence for Family Division
Employees
Comfort Inn, Mt. Pleasant

19-21 MJI — Managing Toward
Excellence: Advanced
Supervision
Marriott, Grand Rapids

20-21 Michigan Association
of Circuit Court Administrators
Shanty Creek Resort, Bellaire

26 MJI — Valuing Cultural Diversity
Holiday Inn West, Lansing

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REPORT

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